

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

February 23, 1999

**IN RE:**

**PETITION OF BELL SOUTH**

**TELECOMMUNICATIONS, INC. FOR**

**APPROVAL OF AN INTRALATA TOLL**

**DIALING PARITY IMPLEMENTATION PLAN**

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**DOCKET NO. 97-01399**

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**ORDER APPROVING REPORT AND RECOMMENDATION  
OF PRE-HEARING OFFICER AND REFLECTING  
AUTHORITY'S DECISION ON ISSUE A**

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This matter came before the Tennessee Regulatory Authority (the "Authority") at a Special Authority Conference held on December 8, 1998, for consideration of the Report and Recommendation of the Pre-Hearing Officer and to deliberate on Issue A. On December 4, 1998, the Pre-Hearing Officer filed his Report and Recommendation, (hereinafter referred to as the "Report and Recommendation," a copy of which is attached to this Order as Exhibit A) reflecting action taken during and subsequent to a Pre-Hearing Conference held on November 5, 1998. The parties filed briefs and reply briefs on November 13, 1998 and November 18, 1998, respectively, addressing Issue A as the threshold issue in this proceeding.

**Background**

This docket was initiated on August 8, 1997, by the filing of a petition by BellSouth Telecommunications, Inc. ("BellSouth") for approval of an intraLATA toll dialing parity implementation plan. On August 10, 1998, BellSouth filed an amendment to its original

petition and on August 17, 1998, AT&T filed a motion for a procedural schedule which would establish intraLATA toll dialing parity by February 8, 1999. To facilitate this docket's progress, a Protective Order was signed by the parties and entered by the Authority on October 2, 1998. Thereafter, a Pre-Hearing Conference was held on November 5, 1998, for the purposes of developing a list of issues and establishing a procedural schedule.

On September 23, 1997, the Authority granted intervention to AT&T of the South Central States, Inc. ("AT&T") and to MCI Telecommunications Corporation ("MCI"). Petitions to intervene filed by the Telecommunications Resellers Association, Sprint, NEXTLINK Tennessee, ("NEXTLINK") the Consumer Advocate Division of the Office of the Attorney General, ("Consumer Advocate"), and Time Warner Communications of the Mid-South, L.P. ( "Time Warner") were granted by the Pre-Hearing Officer at the Pre-Hearing Conference on November 5, 1998, or through his Order issued subsequent thereto. The Order reflecting this action by the Pre-Hearing Officer was attached to the Report and Recommendation.

#### **November 5, 1998, Pre-Hearing Conference**

During the November 5, 1998, Pre-Hearing Conference, a list of proposed issues for resolution in this docket was presented to the parties. As an issue for immediate consideration, AT&T raised the question as to the date on which BellSouth should be required to implement an intraLATA toll dialing parity plan. The parties agreed that this issue should be a threshold issue and should be addressed by the Authority as soon as possible. The parties further agreed to adopt BellSouth's proposed Issue No. 6, as amended, as the threshold issue. That issue, incorporated in the list of issues as Issue A, reads as follows:

Is BellSouth required under Sections 251(b) and Section 271(e)(2) of the Telecommunications Act of 1996, and/or state law to implement intraLATA toll dialing parity by February 8, 1999, whether or not BellSouth has been granted interLATA authority in Tennessee by that date?

The parties agreed that Issue A could be resolved through legal briefs. Parties further agreed to the list of issues, a copy of which was attached to the Report and Recommendation. The Pre-Hearing Officer left it to the discretion of the parties as to whether discovery would be conducted. The parties agreed to a schedule for the filing of legal briefs and for discovery. The Pre-Hearing Officer did not set a procedural schedule beyond December 2, 1998. A Status Conference to address an additional procedural schedule was set for December 8, 1998, to be held following the Authority's decision on Issue A. At the Special Authority Conference on December 8, 1998, the Directors voted unanimously to approve and adopt the Pre-Hearing Officer's Report and Recommendation.

#### **Authority's Decision on Issue A**

At the Special Authority Conference held on December 8, 1998, the Directors also deliberated on Issue A as the threshold issue in this proceeding. The text of Issue A has been set forth above in this Order.

After a review of the legal briefs of the parties addressing Issue A, the Authority found that all parties are in agreement that Section 251(b) of the Act imposes a duty on all local exchange carriers, including BellSouth, to provide dialing parity to competing providers of telephone exchange service and telephone toll service. The parties however, expressed disagreement on when the law, both state and federal, requires BellSouth to implement toll dialing parity. Basically, all parties, except BellSouth and MCI WorldCom, argue that the

federal Telecommunications Act of 1996 (the "Act") and/or state law requires toll dialing parity by February 8, 1999. MCI WorldCom argues, as do other parties, that requiring implementation of dialing parity by February 8, 1999, is in the public interest and the Authority should order the same.

Upon a review of the legal briefs filed by the parties and a review of Sections 271(e)(2)(b) and 251(b)(3) of the Act,<sup>1</sup> the Directors resolved Issue A by deciding that BellSouth was not required to implement an intraLATA toll dialing parity in Tennessee by February 8, 1999, unless ordered by the Authority to do so. Additionally, the Directors concluded that while state statutes require BellSouth to provide intraLATA toll dialing parity

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<sup>1</sup> Section 271(e)(2)(B) of the Act provides:

(2) IntraLATA toll dialing parity. -

.....  
(B) Limitation. - Except for single-LATA States and States that have issued an order by December 19, 1995, requiring a Bell operating company to implement intraLATA toll dialing parity, a State may not require a Bell operating company to implement intraLATA toll dialing parity in that State before a Bell operating company has been granted authority under this section to provide interLATA services originating in that State or before 3 years after the date of enactment of the Telecommunications Act of 1996, whichever is earlier. Nothing in this subsection precludes the state from issuing an order requiring intraLATA toll dialing parity in that state prior to either such date, so long as the order does not take effect until after the earlier of either such date.

Section 251(b)(3) of the Act provides:

Obligations of All Local Exchange Carriers - Each local exchange carrier has the following duties:

.....  
(3) Dialing parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays.

throughout Tennessee promptly, there is nothing in those statutes to suggest that toll dialing parity must be implemented by a date certain.

The Directors further stated, notwithstanding their decision as to Issue A, that both state and federal law require BellSouth to implement toll dialing parity and that BellSouth should promptly begin to institute its plan so that BellSouth's plan will be ready to implement when so ordered by the Authority.<sup>2</sup>

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<sup>2</sup> Chairman Malone made the following comments:

I would also state and comment that, notwithstanding my interpretation of Issue A as it has been put forth by the parties, that the law does require, both state and federal, BellSouth to put forth and implement toll dialing parity. And recognizing that that is on the horizon, I believe it is incumbent upon BellSouth to -- if it has not -- to begin taking internal steps to make sure that happens and that it happens timely; so that when the Authority does reach the point of concluding a hearing and deliberating on this issue, that BellSouth will be ahead of having its network and its systems in place to accommodate the same. Transcript of December 8, 1998, Special Authority Conference, pp. 10 - 11.

Director Greer made the following comments:

I believe that we can require them (BellSouth) to be prepared to take -- have toll dialing parity in place no later than February 8th, 1999. Although I am not at this point prepared to order it, I do believe that we should inform them that we have intention of ordering it on February the 8th, 1999, or that they should be prepared for us to order it on February 8th, 1999. And pending the hearing, at that point we can make a decision as to when we do want to order it.

.....  
So I would suggest that they -- BellSouth move ahead and be prepared for us to act on February the 8th pending the outcome of the hearing that they've requested. Transcript of December 8, 1998, Special Authority Conference, pp. 11 - 12.

Director Kyle commented as follows:

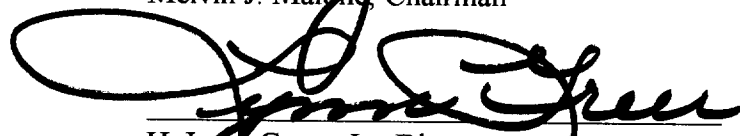
...I guess my comments are more in line with Director Greer. As to the issue, "Does the law require the TRA to order it by February 8th?" my answer would be "no."

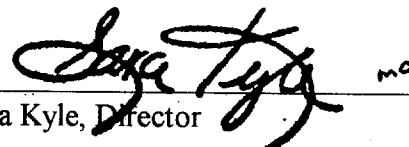
.....  
I too believe we need to get ready and have a plan, and that's where I stand on deciding this issue; that the answer to that legal question was "no." Transcript of December 8, 1998, Special Authority Conference, p. 12.

**IT IS THEREFORE ORDERED THAT:**

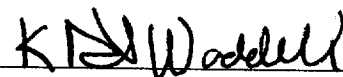
1. The Report and Recommendation of the Pre-Hearing Officer, attached hereto as Exhibit A, is approved and incorporated into this Order as if fully rewritten herein.
2. BellSouth is not required to implement an intraLATA toll dialing parity in Tennessee by February 8, 1999, unless ordered by the Authority to do so.

  
\_\_\_\_\_  
Melvin J. Malone, Chairman

  
\_\_\_\_\_  
H. Lynn Greer, Jr., Director

  
\_\_\_\_\_  
Sara Kyle, Director

ATTEST:

  
\_\_\_\_\_  
EXECUTIVE SECRETARY

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

December 4, 1998

**IN RE:**

<b>PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF AN INTRALATA TOLL DIALING PARITY IMPLEMENTATION PLAN</b>	) ) )	<b>DOCKET NO. 97-01399</b>
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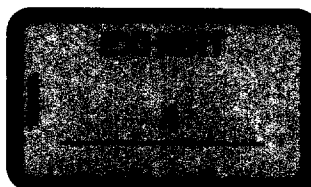
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**REPORT AND RECOMMENDATION OF PRE-HEARING OFFICER**

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This docket was initiated by the filing of a petition by BellSouth Telecommunications, Inc. ("BellSouth") on August 8, 1997, for approval of an intraLATA toll dialing parity implementation plan. MCI Telecommunications Corporation ("MCI") and AT&T Communications of the South Central States, Inc. ("AT&T") filed a petitions for leave to intervene on August 15, 1997 and on August 25, 1997, respectively. At an Authority Conference held on September 23, 1997, the Directors of the Authority granted both petitions to intervene and appointed General Counsel to act as a Pre-Hearing Officer in this matter.

On August 10, 1998, BellSouth filed an amendment to its original petition and on August 17, 1998, AT&T filed a motion for a procedural schedule to establish intraLATA toll dialing parity by February 8, 1999. To facilitate this docket moving forward, a Protective Order was signed by the parties and entered by the Authority on October 2, 1998. Thereafter, on October 9, 1998, the Authority issued a notice setting a Pre-Hearing Conference for November 5, 1998.



### **The Pre-Hearing Conference**

A Pre- Hearing Conference was held on November 5, 1998, for the purposes of distributing an issues list and establishing a discovery schedule and a hearing date in this docket. The following appearances were entered:

BellSouth Telecommunications, Inc. - **Guy Hicks**, Esquire, and **Jim Gotto**,  
333 Commerce Street, Suite 2102, Nashville, TN 37201,

Time Warner Communications of the Mid South, L.P. - **Charles B. Welch, Jr.**, Esquire, Farris, Mathews, Gilman, Branan & Hellen, PLC, 511 Union Street, Suite 2400, Nashville, TN 37219;

NEXTLINK Tennessee, L.L.C. - **Henry Walker**, Esquire, Boulton, Cummings, Conners & Berry, 414 Union St., #1600, P.O. Box 198062, Nashville, TN 37219-0862;

MCI Telecommunications Corporation - **Jon E. Hastings**, Esquire, Boulton, Cummings, Conners & Berry, 414 Union St., #1600, P.O. Box 198062, Nashville, TN 37219-8062;

AT&T Communications of the South Central States, Inc. - **James Lamoureux**, Esquire, 1200 Peachtree St., NE Atlanta, GA 30309;

Consumer Advocate Division, Office of the Attorney General - **Vance Broemel**, Esquire, 426 5th Avenue, N., 2nd Floor, Nashville, TN 37243.

### **Petitions to Intervene**

At the time of the Pre-Hearing Conference petitions to intervene were filed by the Telecommunications Resellers Association, on October 19, 1998; by Sprint, on October 19, 1998; by NEXTLINK Tennessee, ("NEXTLINK") on October 21, 1998; and by the Consumer Advocate Division of the Office of the Attorney General, ("Consumer Advocate") on October 22, 1998.



Counsel for BellSouth requested that the petitions filed by the Telecommunications Resellers Association and Sprint be held in abeyance until he had an opportunity to review the petitions because BellSouth had not been served with copies of those petitions. Without objection, the petitions filed by NEXTLINK and by the Consumer Advocate were granted by the Pre-Hearing Officer. Because of the objection by BellSouth, the petitions filed by the Telecommunications Resellers Association and by Sprint were not granted at the Pre-Hearing Conference and were held in abeyance. Counsel for BellSouth advised the Pre-Hearing Officer that he would review the petitions and respond in a letter within five days as to whether BellSouth would continue to object to the granting of those petitions.

Counsel for Time Warner attended the Pre-Hearing Conference on November 5, 1998, and announced that a petition to intervene would be filed on that day. Subsequent to the Pre-Hearing Conference, a Petition to Intervene was filed by Time Warner Communications of the Mid-South, L.P. ("Time Warner").

All of the Petitions to Intervene have been granted by the Pre-Hearing Officer. The Order reflecting this action by the Pre-Hearing Officer is attached to this Report and Recommendation as Exhibit A.

#### **List Of Issues**

Pursuant to the Notice of the Pre-Hearing Conference, the Authority received lists of proposed issues from the following parties: AT&T, WorldCom, MCI, and BellSouth. From these lists, Authority staff prepared a list of proposed issues for resolution in this docket. This list was presented to the parties at the Pre-Hearing Conference. A copy of the intraLATA toll dialing parity plan that was approved by the Authority for United Telephone Company

SouthEast ("United") in Docket No. 96-01235 was distributed to the parties for review and discussion. The Pre-Hearing Officer proposed that if the plan for United could be mirrored by BellSouth, other than the issues of date and cost, then perhaps the parties could reach an agreement as to a proposed plan in this matter. BellSouth, after reviewing the United plan, expressed concern over important differences between the BellSouth proposed plan and the United plan. As a result no agreement was reached concerning the use of the United plan in developing a toll dialing parity plan in this docket.

AT&T raised as an issue for immediate consideration, the question as to when BellSouth should be required to implement a plan. AT&T remarked that if implementation is to be required by February 8, 1999, the parties and the Authority would need to act quickly so that a plan could be approved and be implemented by that date. AT&T and the Consumer Advocate assert that under the Federal Telecommunications Act a dialing parity plan must be implemented by BellSouth on February 8, 1999. BellSouth has responded that the Authority has the discretion to implement a plan coincident with BellSouth's entry into the interLATA market or on February 8, 1999, whichever is earlier. The parties agreed that this issue is a threshold issue and must be addressed by the Authority as soon as possible. The parties agreed to adopt BellSouth's proposed Issue No. 6, as amended, as the threshold issue. That issue, incorporated in the list of issues as Issue A, reads as follows:

Is BellSouth required under Sections 251(b) and Section 271(e)(2) of the Telecommunications Act of 1996, and/or state law to implement intraLATA toll dialing parity by February 8, 1999, whether or not BellSouth has been granted interLATA authority in Tennessee by that date?

The parties agreed that a hearing would not be necessary prior to a determination of the threshold issue and that Issue A could be resolved through legal briefs. Parties were advised that they could include policy arguments in their briefs. Based upon discussions with the parties, the list of issues proposed by the Authority staff was modified. A copy of the agreed upon list of issues is attached to this Report and Recommendation as Exhibit B.

### **Briefing and Discovery Schedule**

The parties discussed whether or not discovery would be necessary in this case. The Pre-Hearing Officer left it to the discretion of the parties as to whether discovery would be conducted at this time. The parties did not object to the Authority staff submitting data requests. The parties agreed to the following schedule for the filing of legal briefs and for discovery, should the parties decide to conduct discovery:

1. Initial briefs on Issues A to be filed no later than November 13, 1998.
2. Reply briefs to be filed no later than November 18, 1998.
3. Discovery, if desired by the parties, to be filed and served upon the parties no later than November 16, 1998.
4. Responses to discovery to be filed and served upon the parties no later December 2, 1998.

The parties agreed to fax the briefs to each other because of the short period of time between the initial briefs and the reply briefs.

### Future Status Conference

In light of the filing of the briefs on the threshold issue, the Pre-Hearing Officer did not set a procedural schedule beyond December 2, 1998. The Pre-Hearing Officer discussed the possibility of a setting a status conference in the future for the purpose of discussing the scheduling of pre-filed testimony and a hearing date. A possible date of December 10, 1998, was suggested in the event that a decision on Issue A was announced by the Authority prior to December 10. The parties agreed that such a status conference could be set with less than ten days notice in the event that a status conference could be set for a date earlier than December 10, 1998. A Status Conference has been noticed and is set for December 8, 1998, to be held following the Authority's decision on Issue A.

Richard Collier  
RICHARD COLLIER, ACTING AS  
PRE-HEARING OFFICER

ATTEST:

KT [Signature]  
EXECUTIVE SECRETARY

Date: December 4, 1998

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

December 4, 1998

**IN RE:**

<b>PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF AN INTRALATA TOLL DIALING PARITY IMPLEMENTATION PLAN</b>	) ) )	<b>DOCKET NO. 97-01399</b>
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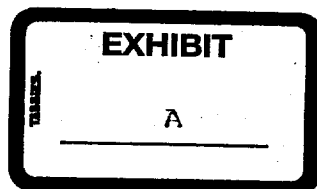
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**ORDER OF PRE-HEARING OFFICER GRANTING  
PETITIONS TO INTERVENE**

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This matter came before the Tennessee Regulatory Authority ("Authority") upon the petition filed by BellSouth Telecommunications, Inc. ("BellSouth") on August 8, 1997, for approval of an intraLATA toll dialing parity implementation plan. At an Authority Conference held on September 23, 1997, the Directors of the Authority granted intervention to MCI Telecommunications Corporation ("MCI") and AT&T Communications on the South Central States ("AT&T") and appointed General Counsel to act as a Pre-Hearing Officer in this matter.

On August 10, 1998, BellSouth filed an amendment to its original petition and on August 17, 1998, AT&T filed a motion for a procedural schedule to establish intraLATA toll dialing parity by February 8, 1999. Thereafter, a Pre-Hearing Conference was held on November 5, 1998, with General Counsel Richard Collier presiding as the Pre-Hearing Officer.



In advance of the Pre-Hearing Conference, Petitions to Intervene were filed by the following parties: Telecommunications Resellers Association on October 19, 1998; Sprint on October 19, 1998; NEXTLINK Tennessee ("NEXTLINK") on October 21, 1998; and the Consumer Advocate Division of the Office of the Attorney General ("Consumer Advocate") on October 22, 1998. these Petitions to Intervene were considered by the Pre-Hearing Officer at the Pre-Hearing Conference.

After reviewing the Petitions to Intervene and after hearing no objections as to the Petitions filed by NEXTLINK and the Consumer Advocate, the Pre-Hearing Officer granted those interventions. Counsel for BellSouth raised an objection to the Petitions filed by the Telecommunications Resellers Association and Sprint on the grounds that he had not been served with copies of those petitions and had not had an opportunity to review them. Counsel for BellSouth asked that a decision on the petitions be deferred and stated that he would provide written notification to the Authority as to whether he wished to continue his objection after he had an opportunity to review the petitions. On November 10, 1998, Counsel for BellSouth advised the Authority in writing that BellSouth no longer objected to the granting of these petitions. A copy of BellSouth's letter of November 10, 1998, is attached to this Order as Exhibit A.

The November 5, 1998, Pre-Hearing Conference was attended by counsel for Time Warner Communications of the Mid-South, L.P. ("Time Warner"). During the Conference, counsel for Time Warner announced that he would be filing a petition to intervene later that day. Time Warner filed a Petition to Intervene on November 5, 1998. No parties have responded or objected to Time Warner's Petition.

Petitions to Intervene in contested cases before the Authority are governed by Tenn. Code Ann. § 4-5-310 which provides as follows:

**4-5-310. Intervention.**

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

In the instance of the Petitions to Intervene filed by NEXTLINK and the Consumer Advocate, the Pre-Hearing Officer considered the statutory requirements for intervention in granting the petitions at the Pre-Hearing Conference on November 5, 1998. This Order incorporates the action of the Pre-Hearing Officer in granting of those Petitions to Intervene.

There are no standing objections as to the Petitions to Intervene filed by the Telecommunications Resellers Association, Sprint and Time Warner. The Pre-Hearing Officer finds that, inasmuch as a hearing has not yet been scheduled in this matter, the Petitions to Intervene meet the requirements of Section 4-5-310(a)(1). Further, the Petitions set out sufficient facts to demonstrate that the legal rights, duties, privileges and interests of the petitioners may be determined in this proceeding. The Pre-Hearing Officer also finds that granting the interventions will not impair the prompt and orderly conduct of the proceedings or the interests of justice in this matter. Based upon the foregoing, the Pre-Hearing Officer

grants the Petitions to Intervene filed by the Telecommunications Resellers Association, Sprint and Time Warner.

**IT IS THEREFORE ORDERED THAT:**

1. NEXTLINK Tennessee, the Consumer Advocate Division of the Office of the Attorney General, the Telecommunications Resellers Association, Sprint and Time Warner Communications of the Mid-South, L.P. are granted leave to intervene and participate in this proceeding as their interests may appear and receive copies of any notices, orders or other documents herein.

2 Any party aggrieved by this Initial Order may file a Petition for Reconsideration with the Pre-Hearing Officer pursuant to Tenn. Code Ann. § 4-5-317 or a Petition for Appeal with the Authority pursuant to Tenn. Code Ann. § 4-5-315 within ten (10) days from the date of this Order.

3. Any party aggrieved by the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle District, within sixty (60) days from the date that this Order becomes a Final Order pursuant to Tenn. Code Ann. § 4-5-318.

  
\_\_\_\_\_  
RICHARD COLLIER, ACTING AS  
PRE-HEARING OFFICER

ATTEST:

  
\_\_\_\_\_  
EXECUTIVE SECRETARY





REC'D TN  
REGULATORY AUTH.

BellSouth Telecommunications, Inc.  
Suite 2101  
131 Commerce Street  
Nashville, TN 37203-0010

Nov 10 1998  
PM 4 23

EXECUTIVE SECRETARY

November 10, 1998

**VIA HAND DELIVERY**

Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37238

*Re: Petition of BellSouth Telecommunications, Inc. for Approval of an  
IntraLATA Toll Dialing Parity Implementation Plan  
Docket No. 97-01399*

Dear Mr. Waddell:

During the pre-hearing conference on Thursday, November 5, 1998, the hearing officer asked the parties if they had any comments or objections to petitions to intervene recently filed by Telecommunications Resellers Association and Sprint. Because BellSouth had not been served with either petition, BellSouth requested that those petitions be held in abeyance until BellSouth had the opportunity to review them. The hearing officer agreed to hold those petitions in abeyance and requested that BellSouth submit a letter to the TRA within five days of the pre-hearing conference indicating whether or not it opposed the petitions.

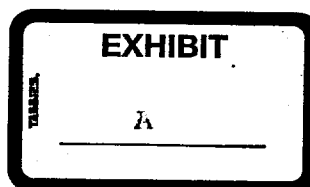
BellSouth has since reviewed these filings and has no objection to either petition.

Very truly yours,

Guy M. Hicks

GMH/jem

cc: Carolyn Roddy, Esquire  
Andrew Isar, Esquire



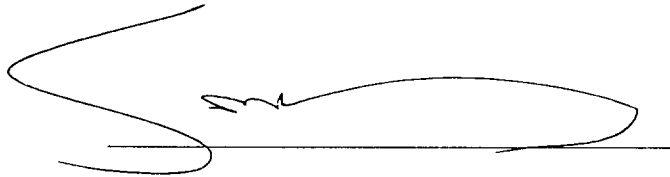
CERTIFICATE OF SERVICE

I hereby certify that on November 10, 1998, a copy of the foregoing document was served on the parties of record, via U. S. Mail, postage pre-paid, addressed as follows:

Jerry Colley, Esquire  
Counsel for Minimum Rate Pricing, Inc.  
710 North Main Street  
Post Office Box 1476  
Columbia, Tennessee 38402-1476

Carla Fox, Esquire  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0500

L. Vincent Williams  
Consumer Advocate Division  
425 Fifth Avenue North, Second Floor  
Nashville, Tennessee 37243

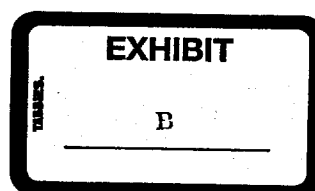
A handwritten signature in black ink, appearing to be "L. Vincent Williams", written over a horizontal line.

DOCKET 97-01399

IN RE: PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC.  
FOR APPROVAL OF AN INTRALATA TOLL DIALING  
PARITY IMPLEMENTATION PLAN.

**ISSUES**

- A. Is BellSouth required under Section 251(b) and Section 271(e)(2) of the Telecommunications Act of 1996, and/or State Law, to implement intraLATA toll dialing parity by February 8, 1999, whether or not BellSouth has been granted interLATA authority in Tennessee by that date?
- B. (1) Should BellSouth be required to implement intraLATA toll dialing parity before BellSouth has been granted interLATA authority in Tennessee?  
  
(2) Once intraLATA dialing parity is ordered, how long will it take BellSouth to implement, by exchange?
- C. Does BellSouth's intraLATA toll dialing parity implementation plan comply with the intraLATA toll dialing parity requirements of Section 251(b) and Section 271(e)(2) of the Telecommunications Act of 1996?
- D. What should be the terms and conditions of BellSouth's plan, including terms and conditions of cost recovery and allocation of costs?
- E. What types of notices should BellSouth customers receive? Balloting, bill inserts, direct mail, other? What should be the timing and wording of such notices? What choices should existing and new customers be given? How and under what conditions should these choices be communicated to customers?
- F. Will IntraLATA Preferred Interexchange Carrier (PIC) charge be waived for a limited time? If so, for how long? Should the cost of such a waiver be included in cost recovery?



**DOCKET 97-01399**

**IN RE: PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC.  
FOR APPROVAL OF AN INTRALATA TOLL DIALING  
PARITY IMPLEMENTATION PLAN.**

**PROPOSED SCHEDULE**

November 5, 1998	Pre-Hearing Conference
November 13, 1998	Briefs On Issue A
November 16, 1998	Discovery Requests
November 18, 1998	Reply Briefs On Issue A
December 2, 1998	Responses To Discovery
December 10, 1998	Status Conference

- G. What charge will apply to customers changing intraLATA carriers only? For changing intraLATA and interstate carriers? (One or more PIC charges)
- H. Should there be a moratorium on PIC freezes? If so, for how long?
- I.
  - (1) If a new customer expresses no preference or "I don't care, just assign me one", will he or she be treated as a "No PIC" or be assigned a carrier? If assigned a carrier, what method will be used to assign ? Who will make the assignment?
  - (2) Should existing customers be allowed to remain with BellSouth until they select an intraLATA carrier? Should they be "No PIC'd" like new customers who do not make a carrier selection?
- J. What should the marketing script that will be provided to BellSouth customer contact personnel say?
- K. Is BellSouth's plan in compliance with TRA Rules 1220-4-2-.56, Sections (2) - (6)?
- L. Is BellSouth's plan in compliance with Part 51, Sections 305, 307, 325, 327, 329, 331, 333, and 335 of the FCC's Rules - adopted in CC Docket 96-98 August 8, 1996?